



The types of activity we regulate in New Zealand's offshore waters

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New Zealand law sets the activities that can take place in our offshore waters. Some activities need consent from us at the EPA before they can go ahead. Other activities can go ahead as long as we are informed and certain rules are followed. Some activities are banned completely. Find out more about this here.

Much of the ocean is unknown to us, due to the challenges of working at great depths of water, sometimes kilometres deep. At the same time, we know that our oceans contain intricate and inter-linked ecosystems. Our oceans are the common heritage of mankind and New Zealand's offshore waters are a significant resource with potential benefits for our whole community.

New Zealand's law is set up on this basis. The part of our law that makes sure our marine environment is protected and managed carefully is called the *Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012*.

It's a long name, so we will call it the 'EEZ Act' here.

About the EEZ Act¹

The EEZ Act reflects the fact that we know very little about our oceans. It starts from the position that no activities are allowed in New Zealand's EEZ unless the Act says they can happen.

There are three types of activity covered in the EEZ Act:

- discretionary activities need a 'permission' before they can go ahead, called a Marine Consent
- permitted activities can go ahead without a Marine Consent as long as certain rules are followed so that the activity is carried out legally¹
- prohibited activities that nobody is allowed to do.

Discretionary activities

Discretionary activities can only go ahead after we issue a Marine Consent. These are generally activities which could impact the marine environment if they are not undertaken carefully and regulated closely. They include drilling for oil and gas; mining the seabed and disposing of mined materials; dumping dredged materials; waste and some structures; scuttling ships; and discharges of harmful substances.

The process for obtaining a marine consent starts with an application that contains a description of what the organisation (the 'applicant') wants to do, what they know about the site they wish to use, and the effects of their activity on the environment (in the water and/or on the sea floor). This is essential information as an impact assessment of the activity that we, the EPA, use to consider the application.

The EEZ Act allows for the public and interested parties to give their views about some types of application for Marine Consents (but not all). You can do this by making a submission, and if a hearing is held, you can choose to present your information there too.

In considering applications for a Marine Consent, our decision makers weigh up the evidence, including the views of any submitters, while taking into account the effect of the activity on the marine environment, as well as any benefits for our economy. All of this information is considered together to decide whether to grant or refuse consent for the activity.

¹The rules for permitted and discretionary activities are in three Regulations:

- Exclusive Economic Zone and Continental Shelf (Environmental Effects - Permitted Activities) Regulations 2013
- Exclusive Economic Zone and Continental Shelf (Environmental Effects - Non-Notified Activities) Regulations 2014
- Exclusive Economic Zone and Continental Shelf (Discharge and Dumping) Regulations 2015
- Exclusive Economic Zone and Continental Shelf (Environmental Effects - Burial at Sea) Regulations 2015



If a Marine Consent is granted, we will set a term for the consent (how long the consent will be valid for), and may add conditions to further protect the marine environment. We will monitor these consents and ensure these conditions are met.

Permitted activities

Some of the activities we regulate are known as 'permitted activities'. This means you don't need a Marine Consent from us to undertake them, but the activity must meet some terms and conditions to be carried out lawfully¹. Permitted activities are generally localised or would have a low impact on the marine environment. They include: laying, maintenance and removal of seafloor cables; burials at sea; exploration and prospecting activities; and some types of discharge.

In general, before anyone can undertake a permitted activity, they must contact us at the EPA and give us some information about what they intend to do. This is required by law for certain activities. This makes sure that we can assess that what they propose is permitted, and that they aren't inadvertently planning to do anything illegal. For most activities affected iwi, hapū, customary marine title groups and protected customary rights groups must also be informed in advance.

We also monitor reports on the activity once it is underway to ensure the rules are followed. We may also inspect the operations if we feel there is a risk of non-compliance. Generally, the law requires a report to be sent to us with details about how the activity was undertaken and showing that it was performed legally. We make sure that we receive these reports.

Prohibited activities

The EEZ Act prohibits a limited number of activities. These activities are banned. No one can apply for permission to carry out these activities; we cannot grant a Marine Consent for them.

These activities can potentially create too much harm to the marine environment and its users. Some are banned by international conventions that New Zealand has signed up to. Examples include: dumping of radioactive waste or matter; dumping of toxic or hazardous waste; or the incineration of waste at sea.

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Within New Zealand 0800 208 338

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